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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,310	12/04/2003	Bion Bartning	03292.101790	1309

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EXAMINER
ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
3628	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/707,310	BARTNING ET AL.
	Examiner	Art Unit
	Akiba K. Robinson-Boyce	3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 May 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-9</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-9</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Status of Claims

1.   Due to communications filed 5/9/07, the following is a final office action. Claims

1-4 have been amended. Claim 9 has been added. Claims 1-9 are pending in this

application and have been examined on the merits. Claims 1-9 are rejected as follows.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

3.   Claims 1-4 and 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by

Block et al (US 2003/0055689 A1), as cited by applicant.

As per claim 1, Block et al discloses:

allowing access to a host server via at least two out of a plurality of travel

channels to facilitate formation of a travel plan, wherein the plurality of travel channels

includes an Internet connection, a telephone, and a physical travel office, and wherein

the host server is in communication with, and provides access to, a plurality of: travel

vendor databases, user multi-use point of service terminals, and global distribution

systems that include any computer network that provides inventory access that is at

least related to hotel, condominium, rental car, train, bus, and airline inventory, ([0157],

shows central server that allows access to web pages and other data, w/[0048], lines 4-

6, Internet, [0049], lines 1-10, cell phone, kiosk, w/ [0164], shows Global Distribution

System providers (such as Sabre, Worldspan, Amadeus, Galileo) as well as the variety

of Internet based booking engines (such as Travelocity) are utilized by a traveler to

make travel decisions, where Travelocity is known for booking airline inventory);

receiving a travel booking for the travel plan by a first one of the travel

channels, ([0051], user makes reservations via web page on personal computer);

associating the travel booking with a travel customer, (Claim 43, reserving

travel services based on information received in the request and on the travel related

information of the traveling member maintained in the central database);

storing the travel booking and customer data for the travel customer in a

central repository, ([0010], lines 28-31, shows member's travel needs/preferences are

stored in member's portfolio or profile, where profile is shown to be stored in the central

memory as shown in [0118]);

receiving a travel change for the travel plan by any of the travel

channels, either the same as or different from the first travel channel, ([0074], lines 1-4,

member changes travel plans by palm...kiosk, etc);

retrieving the travel booking and the customer data from the central

repository, ([0010], lines 22-28, shows the analysis of travel requirements to make

reservations best able to meet member's travel needs. Since member's travel

needs/preferences are stored in member's portfolio or profile, [0010], lines 28-31, and

the profile is shown to be stored in the central memory in [0118], it is inherent for the

travel booking and customer data to be retrieved from the central repository in order to

be analyzed);

servicing the travel change by modifying the travel booking to produce a

modified travel booking, ([0074], lines 4-6, obtain a text confirmation in the form of a

computer print out of travel change);

and storing the modified travel booking in the central repository, (inherent with

[0074], lines 4-6, since any information in a text confirmation must be stored in order to

actually send the text to the kiosk, in addition, [0159], shows kiosk is in communication

with the central server [which contains central memory]).

As per claim 2, Block et al discloses:

connecting a plurality of travel vendor databases to the host server, (Claim 6,

plurality of Web Pages providing information on a plurality of individual travel facilities).

As per claim 3, Block et al discloses:

further comprising the step of providing direct access to the host server for a

plurality of external consumers, [0051], direct inputs).

As per claim 4, Block et al discloses:

further comprising the step of providing a plurality of travel offices, wherein each

of the travel offices has access to the host server by said plurality of travel channels,

(Fig. 2, kiosks).

As per claim 6, Block et al discloses:

wherein the step of receiving a travel booking comprises receiving a travel

booking by an Internet travel booking request, and further comprising the step of

automatically processing the travel booking request, (Claim 92, Internet accessed travel

planning system for making travel arrangements via request).

As per claim 7, Block et al discloses:

wherein the travel booking comprises flight reservation information, hotel

reservation information, and car rental information, (Claim 62, 64 and 66, flight, rental

vehicle, hotel room).

As per claim 8, Block et al discloses:

further comprising the step of storing fulfillment information in the central

repository for the travel booking, ([0012], data fulfilling members travel requirements are

available or storage in members portfolio/profile, where profile is in central memory as

shown in [0118]).

As per claim 9, Block et al discloses:

a host server accessible via at least two out of a plurality of travel channels to

facilitate formation of a travel plan, wherein the plurality of travel channels includes an

internet connection, a telephone, and a physical travel office, and wherein the host

server is also in communication with, and provides access to, a plurality of: travel

vendor databases, user multi-use point of service terminals, and global distribution

systems that include any computer network that provides inventory access that is at

least related to hotel, condominium, rental car, train, bus, and airline inventory, ([0157],

shows central server that allows access to web pages and other data, w/[0048], lines 4-

6, Internet, [0049], lines 1-10, cell phone, kiosk, w/ [0164], shows Global Distribution

System providers (such as Sabre, Worldspan, Amadeus, Galileo) as well as the variety

of Internet based booking engines (such as Travelocity) are utilized by a traveler to

make travel decisions, where Travelocity is known for booking airline inventory);

a booking reception element adapted to receive a travel booking for the travel

plan by a first one of the travel channels, ([0051], user makes reservations via web page

on personal computer);

a booking association element adapted to associate the travel booking with a

travel customer, (Claim 43, reserving travel services based on information received in

the request and on the travel related information of the traveling member maintained in

the central database);

a storage element adapted to store the travel booking and customer data for the

travel customer in a central repository, ([0010], lines 28-31, shows member's travel

needs/preferences are stored in member's portfolio or profile, where profile is shown to

be stored in the central memory as shown in [0118]);

a change reception element adapted to receive a travel change for the travel plan by

any one of the travel channels, either the same as or different from the first travel

channel,([0074], lines 1-4, member changes travel plans by palm...kiosk, etc);

a data retrieval element adapted to retrieve the travel booking and the customer data

from the central repository, ([0010], lines 22-28, shows the analysis of travel

requirements to make reservations best able to meet member's travel needs. Since

member's travel needs/preferences are stored in member's portfolio or profile, [0010],

lines 28-31, and the profile is shown to be stored in the central memory in [0118], it is

inherent for the travel booking and customer data to be retrieved from the central

repository in order to be analyzed);

a service element adapted to service the travel change by modifying the travel

booking to produce a modified travel booking, ([0074], lines 4-6, obtain a text

confirmation in the form of a computer print out of travel change);; and

a storage element adapted to store the modified travel booking in the central

repository, (inherent with [0074], lines 4-6, since any information in a text confirmation

must be stored in order to actually send the text to the kiosk, in addition, [0159], shows

kiosk is in communication with the central server [which contains central memory]).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Block et

al (US 2003/0055689 A1), as cited by applicant, as applied to claim 1 above, and further

in view of Walker et al (US 5,897,620), as cited by applicant.

As per claim 5, Block et al does not specifically disclose the following, but does

disclose the use of email to confirm membership enrollment for travel services in [0072].

However, Walker et al discloses:

wherein the step of receiving a travel booking comprises receiving a travel

booking by an unformatted e-mail message, (Col. 5, lines 49-54, shows traveler

contacts the travel agent by email). Walker et al discloses this limitation in an

analogous art for the purpose of showing that the traveler uses email to provide a travel

itinerary.

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to receive a travel booking by an unformatted e-mail message with

the motivation of allowing a user to utilize the available methods of communication to

obtain travel services.

Response to Arguments

6.   Applicant's arguments filed 5/9/07 have been fully considered but they are not

persuasive.

As per claim 1, applicant argues that nothing has been found in Block that is

believed to teach or suggest allowing access to a host server via at least two out of a

plurality of travel channels to facilitate formation of a travel plan, where the travel

channels include an internet connection, a telephone, and a physical travel office, and

where the host server is in communication with, and provides access to, a plurality of

travel resources (travel vendor databases, user multi-use point of service terminals,

and/or global distribution systems that include any computer network that provides

inventory access that is at least related to hotel, condominium, rental car, train, bus, and

airline inventory).

However, in [0049], it is shown that a user can utilize a cell phone, a personal

computer or a palm computer to access to the website of the system, where the central

server (which serves as the host server) provides access to the web pages as shown in

[0157], and therefore, the cell phone, personal computer or a palm computer utilizes the

server to access the web pages, and must therefore first access the server. The cell

phone, personal computer or a palm computer therefore represent a plurality of different

types of travel channels. In addition, [0164] of Block, shows Global Distribution System

providers (such as Sabre, Worldspan, Amadeus, Galileo) as well as the variety of

Internet based booking engines (such as Travelocity) are utilized by a traveler to make

travel decisions, where Travelocity is known for booking airline inventory. Here, the

traveler is given access to these travel resources, however, must first access the central

server y utilizing the cell phone, a personal computer or a palm computer as described

above.

As per claim 9, applicant makes similar arguments, and claim 9 is therefore

rejected for the same reasons as discussed above with respect to claim 1.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Akiba K Robinson-Boyce whose telephone number is

571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

•Patent Application Information Retrieval (PAIR) system, Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-
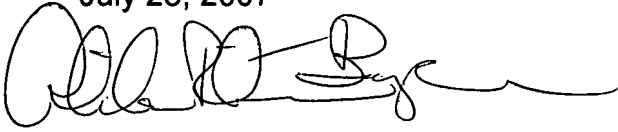
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A. R. B.
July 23, 2007